IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13923 of 2005

Between:

The Fishermen Cooperative Society Limited,

No.B-16, Doddigunta, Rangampeta Mandal,
East Godavari District, Rep. by its President.

..... PETITIONER

AND

1 The District Collector,

East Godavari District, Kakinada.
2 The Assistant Director of Fisheries,

Kakinada, East Godavari District.
3 The Station House Officer,

Rangampeta P.S., Rangampet Mandal,
East Godavari District.
4 The Circle Inspector,

Pedddapuram, Peddapuram Mandal,

East Godavari District.
5 The Sarpanch,

Venkatapuram Gram Panchayat,

Rangampeta Mandal,

East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondent authorities 3 and 4 in not providing police aid to the petitioner's society to collect the fish from the Aitredu Tank, Situated at Venkatapuram Village, Rangampeta Mandal, East Godavari District, is illegal, arbitrary, un-constitutional, and consequently direct the respondent authorities to provide police aid to the petitioner's society for collect the fish from the above tank.

Counsel for the Petitioner: Mr. G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR FISHERIES

The Court, at the stage of admission, made the following :

ORDER:

The petitioner-Society was granted lease for fishing rights in two tanks viz., Aitredu tank and Ura tank of Venkatapuram Gram Panchayat. The lease is for a period of five years, i.e., from
01-07-2004 to 30-06-2009. When the members of the petitioner Society were trying to exercise their leasehold rights by starting fishing operations in the said tanks, the villagers belonging to Venkatapuram village are alleged to have prevented the members of the petitioner Society. In the circumstances, the members of the petitioner Society sought the aid of the police, i.e., the 3rd respondent, to pursue their fishing operations unhindered by the villagers of Venkatapuram. They made a complaint to the 2nd respondent with a copy to the 3rd respondent.

2. The grievance of the members of the petitioner Society in the Writ Petition is that the police are not providing them aid. The fishing activity pursued by the members of the petitioner Society is a commercial activity persuaded under the lease that they have in their favour. Having regard to the limited availability of police personnel it is not possible to mandamise the police to provide aid to each and every commercial activity. The members of the petitioner Society are always at liberty to secure the services of a private security agency. If any criminal activity is alleged against any

specific villagers of Venkatapuram village, the petitioners can make a written complaint against such specified individuals and seek prosecution of such violators of the law. In case, they have civil grievances against the villagers, they are entitled to avail injunctory relief. The relief as sought in this Writ Petition ought not to be granted. The Writ Petition is without merits.

3. Accordingly, the Writ Petition is dismissed.

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(GODA RAGHURAM,J)

29th June, 2005.

Note:

Furnish C.C. by tomorrow.

B/o

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To

1 The District Collector,

East Godavari District, Kakinada.

2 The Assistant Director of Fisheries,

Kakinada, East Godavari District.

3 The Station House Officer,

Rangampeta P.S., Rangampet Mandal,
East Godavari District.

4 The Circle Inspector,

Pedddapuram, Peddapuram Mandal,

East Godavari District.

5 The Sarpanch,

Venkatapuram Gram Panchayat,

Rangampeta Mandal,

East Godavari District.

6 Two CCs to the GP for Fisheries, High Court of A.P.,

Hyderabad (O.U.T.)

7 Two CD copies.